

Remarks

Applicant maintains the traversal of each of the rejections because the primary '548 reference teaches away from the claimed invention and each of the rejections relies upon an unsupported and unmotivated modification of the '548 teachings. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated December 30, 2005, indicated that claim 8 is allowed; claims 1-5, 12-17, 23-29 and 31-35 are rejected under 35 U.S.C. § 103(a) over Nabavi (GB 2325548A) in view of Schneider *et al.* (U.S. Patent No. 5,929,897); claim 6 is rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Fujiwara *et al.* (JP 09330283A); claims 7, 11 and 36-37 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Newlin (U.S. Patent No. 6,011,579); claims 9-10 and 30 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Richard, III *et al.* (U.S. Patent No. 5,790,174); and claims 18-22 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Mun *et al.* (U.S. Patent No. 6,094,213).

The '548 Reference Teaches Away.

While Applicant appreciates the allowance of claim 8, Applicant strongly opposes each of the pending rejections. Each of the rejections is based upon the '548 reference which is in the related field of security alarm systems but teaches away from the claimed invention. The '548 reference is directed to an alarm system having a central control station that is designed to inhibit access to the surveillance system except through a dedicated "central monitoring station 8." *See, e.g.,* page 4, lines 7-9. The '548 reference clearly sets forth its purpose and operation at page 1 as follows:

"Accordingly, the present invention is a security alarm system controller for controlling an alarm system, the controller comprising input means ..., output means ..., and computer network server means operable to interact between the security alarm controller and a computer network user" ('548 reference, page 1, lines 20 *et seq.*, emphasis added).

The '548 reference illustrates this alleged invention with a remote Web browser and the following text at the bottom of Figure 1: "*Figure 1: How the alarm controller/web server links via the Security Centre to the internet and hence to the remote user.*" Based on this teaching, there should be no question that the '548 reference intends for "*the remote user*" to interact with the security alarm controller via a computer network as illustrated and described by the '548 reference. Beginning at the bottom of page 2 of the Office Action, the Examiner acknowledges that the '548 reference does not teach Applicant's claimed invention and specifically, does not teach Applicant's first communication system, as claimed.

The Examiner's rejection is based on the flawed argument that the skilled artisan would somehow be led by the '897 reference to change the alleged invention of the '548 reference such that it provides an entirely different way for "*the remote user*" to interact with the security alarm controller – which is illustrated and described by another reference that has nothing to do with security alarm surveillance.

This other reference, the '897 reference, concerns a way for a bank's ATM to establish a video-conferencing call between a user at the ATM and a selected one of multiple bank agents. By way of an "Automated Distribution of Video Telephone Calls," the system of the '897 reference has the user communicating with the bank agents over an ISDN service. *See* Title, Abstract, and more specifically, the three citations relied upon by the Examiner (Col. 1:53-61; Col. 4:30-31; Col. 5:64 through Col. 6:3). This '897 reference is unrelated to the problems addressed by the '548 reference.

Applicant submits that it is untenable to maintain the rejections based on such an unrelated reference because it would not lead the skilled artisan to change any aspect of the '548 reference and would certainly not lead the skilled artisan to entirely change its teachings. The '548 reference already provides a way for "*the remote user*" to interact with the security alarm controller. In an effort to establish correspondence under a Section 103 rejection, the Examiner has added the system of the '897 reference to the figure 1 embodiment of the '548 reference. There is no rationale for this modification because it would be expensive, redundant to the already-established paths for user communications, and the '548 reference has no need for users to interact with a selected one of multiple bank agents over an ISDN service.

As discussed at page 2, lines 6-7, of Applicant's specification, the claimed invention is directed away from the expensive type of central control monitoring system taught by the '548 reference. The rejections are based on adding communication paths and, commensurate therewith, communication-interface layers which would also have to be controlled by the central control "gate-keeper" of the '548 reference. Thus, the '548 reference (unmodified or modified by the '897 reference) teaches away from Applicant's system.

The Examiner Has Provided No Evidence for the Proposed Modification.

Applicant maintains that the Examiner has not provided evidence from the cited references that a skilled artisan would modify the '548 alarm system to include videoconferencing via a POTS, as taught by the '897 reference, as another manner of accessibility to the alarm system. No citations have been provided to explain why a skilled artisan would modify a centrally controlled alarm system to accept and enable a video telephone call. Neither of the cited references suggests the proposed modification. The Examiner's assertion that the '897 reference teaches a cost-effective method for establishing a video call fails to identify where either of the references teach that such a video call would be introduced to the '548 alarm system by a skilled artisan. Applicant further maintains that such rationale was arrived at in hindsight of the claimed invention and without any evidentiary support from the cited references. Without a presentation of evidence of motivation to modify the cited references as asserted, the Section 103(a) rejections are improper and should not be maintained. Applicant accordingly requests that each of the rejections be withdrawn.

The Proposed Modification Would Frustrate the Purpose of the '548 Reference.

Moreover, the proposed modification of the '548 reference is improper because the combination of the cited references would frustrate the purpose of the '548 reference. The MPEP states that when a proposed modification would render the teachings being modified unsatisfactory for their intended purpose, then there is no suggestion or motivation to make the proposed modification under 35 U.S.C. § 103(a). *See* MPEP § 2143.01. As discussed above, the '548 reference is directed to an alarm system having a central control station that limits access to the surveillance system. Introducing another method of accessing the system, via videoconferencing, directly undermines the '548

system's attempt to limit access to the alarm system. The additional method of access would also increase traffic at the central computer. To suggest introducing additional means of accessing the '548 alarm system is untenable. The proposed combination would increase communications traffic at the central control station and teaches away from the purpose of limiting access to the alarm system; therefore, the combination is improper.

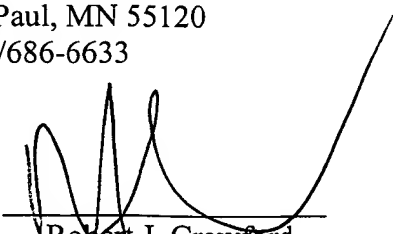
The Examiner Has Not Presented a Corresponding Combination of References.

Further, the Office Action fails to present a combination of references that corresponds to the claimed invention. The Examiner acknowledges that the '548 reference fails to teach a first communication system, as claimed. As discussed above, the Examiner fails to provide a proper combination of references to overcome this deficiency. Thus, the Office Action fails to present a combination of teachings that includes a first communications system adapted to deliver a request for image data. Without a presentation of correspondence to each of the claimed limitations, the Section 103(a) rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

By: 
Robert J. Crawford
Reg. No. 32,122

Dated: February 24, 2006